

Amendment and Response under 37 C.F.R. 1.116

Applicant: Daniel R. Marshall

Serial No.: 09/893,246

Filed: June 26, 2001

Docket No.: 10002308-1 (H303.192.101)

Title: ULTRA-HIGH DENSITY STORAGE DEVICE WITH ELECTRON BEAM STEERING**REMARKS**

The following remarks are made in response to the Final Office Action mailed January 10, 2005. In that Office Action, the Examiner rejected claims 1, 3-11, and 13-18 under 35 U.S.C. §103(a) as being unpatentable over Gibson et al., U.S. Patent No. 5,557,596 ("Gibson") in view of Katsumura et al., U.S. Patent No. 6,307,826 ("Katsumura"). The Examiner's indication that claims 2 and 12 were objected to as being dependent upon a rejected base claim, but would be allowable if re-written is noted with appreciation. The Examiner's indication that claims 19 and 20 have been allowed is further noted with appreciation.

With this Response, claims 1 and 11 have been amended. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Claim 7

In the Office Action, the Examiner stated that "Claim 7 please amend the claim t (sic) delete the limitation 'and figure 8'". (Office Action at page 2). It is not clear why the Examiner is requesting that this information be deleted from claim 7. A "figure 8" trajectory is explicitly disclosed in the specification of the present application. (See, e.g., specification at page 10). If the Examiner maintains this request for the Applicant to delete "and figure 8" from claim 7, Applicant respectfully requests that the Examiner provide a reason or legal basis for the requested deletion.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1, 3-11, and 13-18 under 35 U.S.C. §103(a) as being unpatentable over Gibson et al., U.S. Patent No. 5,557,596 ("Gibson") in view of Katsumura et al., U.S. Patent No. 6,307,826 ("Katsumura"). Independent claim 1, as amended herein, includes the limitation "an electron beam steering mechanism for deflecting the electron beam current in two substantially perpendicular directions to different ones of the storage areas." Independent claim 11, as amended herein, includes the limitation "steering the electron beam current in two dimensions to multiple ones of the storage areas." The Examiner has acknowledged by allowing claim 19 that the cited prior art does not teach or

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suggest a storage device as recited in claim 19 that includes "a beam deflector for deflecting the electron beam current in two substantially orthogonal directions." The Examiner stated with respect to claims 2 and 12 that "[n]one of the cited prior art shows the use of a first and second set of electrodes for deflecting the light beam into a first direction and a second direction being perpendicular to the first direction as shown in fig 3". (Office Action at page 3).

In view of the above, independent claims 1 and 11, as amended, are not taught or suggested by Gibson and Katsumura, either alone, or in combination. The Applicant respectfully requests entry of the amendment to independent claims 1 and 11, and requests removal of the rejection of claims 1 and 11 under 35 U.S.C. §103(a). Reconsideration and allowance of claims 1 and 11 are respectfully requested. Dependent claims 2-10 and 12-18 further limit patentably distinct claim 1 or claim 11, and are believed to be allowable over the cited references. Reconsideration and allowance of claims 2-10 and 12-18 are respectfully requested.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-20 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332 or Jeff A. Holmen at Telephone No. (612) 573-0178, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via telefacsimile to Examiner Hindi, Group Art Unit 2655, at Fax No. (703) 872-9306 on this 9th day of March, 2005.

By Julianne Christiansen
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